

REMARKS

This responds to the non-final Office Action mailed on January 29, 2007. Claims 1-9, 13, and 14 are currently pending. Claims 10-12 have been cancelled without prejudice to filing a divisional application. Claims 4 and 8 have been amended. Applicants appreciate the Examiner's indication that claim 14 is objected to and that claim 4 would be allowable if rewritten to overcome the rejection under 35 USC § 112, 2nd Paragraph. In view of the following remarks, as well as the foregoing amendments, Applicants submit that this application is in complete condition for allowance in this regard.

Election/Restrictions

Applicants hereby confirm the provisional election without traverse of claims 1-9, 13, and 14.

Rejections under 35 USC § 112, 2nd Paragraph

Claims 4 and 8 stand rejected under 35 USC § 112, 2nd Paragraph as being indefinite. Applicants have amended claims 4 and 8 in a manner believed to be sufficient for the Examiner to withdraw the rejection.

Rejection of Claims under 35 U.S.C. § 103(a)

Claims 1-3, 5-9 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,213,506 to Swann et al. (hereinafter *Swann*) in view of U.S. Patent No. 6,669,228 to Shah et al. (hereinafter *Shah*). Applicants respectfully traverse the rejection.

Applicants submit that there is no suggestion or motivation to modify *Swann* in the suggested manner. Specifically, *Swann* discloses that the bolster (20) includes a hinge line (82) and a tear seam (84). The Examiner indicates that "Shah also discloses that the core is less dense than the outer skin (column 10, lines 57-59)." However, the passage in *Shah* identified by the Examiner discloses a construction for a cover (220) having a weakened region or tear seam (226) that includes cells (232) of relatively low density. The cells (232) in the cover (220) are flanked by cells (236) of high density. The low density cells (232) and high density cells (236) are arranged such that each region intersects the outer surface of the cover (220). When a force is

applied, the cover (220) opens along the tear seam (226). *See* column 11, lines 36-37; 49-52. Consequently, a person having ordinary skill in the art would have been motivated by the disclosure in *Shah* to modify the tear seam (84) in *Swann* to include the low-density cells (232) of the tear seam (226) in *Shah*. In contrast, a person having ordinary skill in the art would not have been motivated to modify the core (44) of *Swann*, which is between the outer layer (30) and substrate (40) identified by the Examiner, in the manner suggested by the Examiner.

A *prima facie* case of obviousness also requires that “there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.” *See* MPEP 2143.01. In the absence of a proper motivation for reasons explained above, the Examiner has failed to establish a *prima facie* case of obviousness. Therefore, Applicants request that the rejection of claim 1 be withdrawn.

Claim 1 is patentable for additional reasons, as discussed hereinafter.

Specifically, the Examiner’s motivation to modify *Swann* in the suggested manner is such that “the airbag to have predictable and consistent performance (column 6, line 3).” Applicants note that this language is not found at this location in *Shah*. Nevertheless, *Shah* contains this statement at, for example, column 7, line 1. However, in the entire passage spanning columns 6 and 7, *Shah* is specifically referring to the “predictable and consistent performance” of the weakened region (i.e., tear seam) afforded by using a foamed or cellular material. This is consistent with and reinforces the Applicants’ arguments that a person having ordinary skill in the art would have been motivated to modify the tear seam (84) in *Swann* based upon the disclosure identified by the Examiner in *Shah*, but would not have been motivated to modify the core (44) in *Swann*. Applicants cannot find any disclosure in *Shah* that the low-density cells (232) of the tear seam (226) would be appropriate for use in a core, like the core (44) in *Swann*, because of “predictable and consistent performance.” Because the Examiner’s motivation is improper, the Examiner has failed to establish a *prima facie* case of obviousness. Therefore, for at least this additional reason, Applicants request that the Examiner withdraw the rejection of claim 1.

As explained in paragraph [0003] of Applicants’ specification, “[t]ear lines or score lines are commonly provided in the deployment door so that the door material tears or rips along these lines of weakness. The door ruptures and pivots open so that the airbag can easily escape its

compartment.” As explained in paragraph [0009] of Applicants’ specification, “[t]he invention therefore provides an inflatable airbag cushion, and a method of making the same, that reduces the number of parts and the labor required for assembly. The outer skin provides an aesthetically pleasing appearance and lacks weakened regions, such as visible score lines and seams.” Hence, the lost cohesion exhibited by the “cellular structure of said core” in claim 1 promotes the omission of weakened regions, as taught by *Swann* and as taught by *Shah*.

Assuming *arguendo* that a proper motivation existed, which it does not, the combined disclosure of *Swann* and *Shah* fails to disclose “said cellular structure of said core configured to lose cohesion upon receipt of the inflation fluid for defining a space between said outer layer and said substrate, and said space filling with the inflation fluid to cause elastic expansion of said outer layer for defining the airbag cushion.” *Swann* discloses that the metal tube (50) contains the inflation fluid that is filled by the inflation fluid. *Swann* fails to disclose that the core (44) experiences any loss of cohesion that creates the space for the inflation fluid. The Examiner concludes that “the foam material loses its cohesion at least to some degree during expansion.” However, the Examiner fails to indicate any disclosure to this effect in *Swann*. Applicants submit that, for example, one equally plausible proposition is that the core (44) in *Swann* is simply compressed between the substrate (40) and covering (22) identified by the Examiner. In any event, the space filled by the inflation fluid in *Swann* is inside the metal tube (50); not a space defined by a loss of cohesion of the material forming the core (44). *Shah* fails to remedy this deficiency in the disclosure of *Swann*.

With regard to a rejection under 35 U.S.C. § 103(a), a *prima facie* case of obviousness requires that the reference “teach or suggest all the claim limitations.” See MPEP 2143.03. In this instance, the combined disclosures of *Swann* and *Shah* fail to disclose “said cellular structure of said core configured to lose cohesion upon receipt of the inflation fluid for defining a space between said outer layer and said substrate, and said space filling with the inflation fluid to cause elastic expansion of said outer layer for defining the airbag cushion.” Accordingly, the Examiner has failed to establish a *prima facie* case of obviousness. For this reason alone, Applicants request that the rejection be withdrawn.

Because claims 2, 3, and 5-9 depend from independent claim 1, Applicants submit that these claims are also patentable for at least the same reasons as claim 1. Furthermore, each of

these dependent claims recites a unique combination of elements not disclosed or suggested by the combined disclosures of *Swann* and *Shah*.

Applicants' independent claim 13 is patentable for at least the same or similar reasons as independent claim 1. Specifically, the combination of *Swann* and *Shah* fails to disclose or suggest "discharging an inflation fluid into a core of a covering on a substrate located inside the vehicle passenger cabin in response to the measurable vehicle condition so that the core loses cohesion and defines a space between the substrate and an elastic outer skin of the covering." For at least this reason, Applicants respectfully request that the Examiner withdraw the rejection.

Conclusion

Applicants have made a bona fide effort to respond to each and every requirement set forth in the Office Action. In view of the foregoing remarks, this application is submitted to be in complete condition for allowance and, accordingly, a timely notice of allowance to this effect is earnestly solicited. In the event that any issues remain outstanding, Applicants invite the Examiner to contact the undersigned to expedite issuance of this application.

Applicants do not believe fees are due in connection with filing this communication. If, however, any petition or additional fees are necessary because of this communication, the Commissioner is hereby authorized to charge any under-payment or fees associated with this communication or credit any over-payment to Deposit Account No. 23-3000.

Respectfully submitted,
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